

IN THE SENATE

SENATE BILL NO. 1058

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SALE OF KEG BEER; AMENDING SECTION 23-1007, IDAHO CODE, TO REVISE THE SIZE OF A KEG OF BEER THAT A DEALER OR WHOLESALER IS ALLOWED TO SELL TO A CONSUMER AT HIS LICENSED PREMISES; AND AMENDING SECTION 23-1018, IDAHO CODE, TO REVISE A DEFINITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-1007, Idaho Code, be, and the same is hereby amended to read as follows:

23-1007. SALES BY DEALERS AND WHOLESALERS -- PROHIBITED UNLESS OBTAINED FROM LICENSEES -- CONSUMPTION ON PREMISES PROHIBITED -- MINIMUM SALE ON LICENSED PREMISES OF UNBROKEN PACKAGES OR KEGS. Except as provided in section 23-1007A, Idaho Code, it shall be unlawful for any dealer or wholesaler to sell for use within the state of Idaho any unbroken packages or kegs of beer produced, manufactured, imported or bought by such dealer except to licensed dealers, wholesalers, retailers to whom a license has been issued by the director, or to employees of the wholesaler or dealer; nor shall any dealer or wholesaler allow for a consideration such beer to be consumed upon the premises of such dealer or wholesaler; provided, however, that any dealer or wholesaler shall be allowed to make sales of beer in kegs of not less than ~~seven and three-quarters~~ five (7-3/4) gallons to a consumer at his licensed premises. Licensed brewers may sell at retail only as provided in section 23-1003(d) and (e), Idaho Code.

SECTION 2. That Section 23-1018, Idaho Code, be, and the same is hereby amended to read as follows:

23-1018. SALE OF KEG BEER -- PENALTIES. (1) Retail and wholesale licensees selling keg beer for consumption off licensed premises shall place an identification tag onto all kegs of beer at the time of sale and require the signing of a receipt therefor by the purchaser in order to allow kegs to be traced if the contents are used in violation of this act. The keg identification shall be in the form of a numbered label prescribed and supplied by the director of the Idaho state police, which identifies the seller and which is removable or obliterated when the keg is processed for refilling. The receipt shall be on a form prescribed and supplied by the director of the Idaho state police and shall include the name and address of the purchaser and such other information as may be required by the director of the Idaho state police.

(2) Any licensee selling keg beer for off-premises consumption who fails to require the signing of a receipt at the time of sale and fails to place a numbered identification label onto the keg shall be subject to having his license suspended as set forth in section 23-1038, Idaho Code.

1 (3) Possession of a keg containing beer which is not identified as re-
2 quired by subsection (1) of this section is a misdemeanor.

3 (4) Any purchaser of keg beer who knowingly provides false information
4 on the receipt required by subsection (1) of this section shall be guilty of a
5 misdemeanor.

6 (5) As used in this section, "keg" means any brewery-sealed, individual
7 container of beer having a liquid capacity of ~~seven and three-fourths~~ five
8 (7-3/4) gallons or more.